

Section 13

Discussion Demonstrating Compliance With Each Applicable State & Federal Regulation

Provide a discussion demonstrating compliance with applicable state & federal regulation. If there is a state or federal regulation (other than those listed here) for your facility's source category that does not apply to your facility, but seems on the surface that it should apply, add the regulation to the appropriate table below and provide the analysis. Examples of regulatory requirements that may or may not apply to your facility include 40 CFR 60 Subpart OOO (crushers), 40 CFR 63 Subpart HHH (HAPs), or 20.2.74 NMAC (PSD major sources). We don't want a discussion of every non-applicable regulation, but if there is questionable applicability, explain why it does not apply. All input cells should be filled in, even if the response is 'No' or 'N/A'.

If this application includes any proposed exemptions from otherwise applicable requirements, provide a narrative explanation of these proposed exemptions. These exemptions are from specific applicable requirements, which are spelled out in the requirements themselves, not exemptions from 20.2.70 NMAC or 20.2.72 NMAC.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Applicable **STATE** REGULATIONS:

STATE REGU- LATIONS CITATION	Title	Applies to Entire Facility	Applies to Unit No(s).	Federally Enforce- able	Does Not Apply	JUSTIFICATION:
20.2.3 NMAC	Ambient Air Quality Standards NMAAQS	✓				20.2.3 NMAC is a SIP approved regulation that limits the maximum allowable concentration of Total Suspended Particulates, Sulfur Compounds, Carbon Monoxide and Nitrogen Dioxide. Title V applications, see exemption at 20.2.3.9 NMAC
20.2.7 NMAC	Excess Emissions	✓				All Title V major sources are subject to Air Quality Control Regulations, as defined in 20.2.7 NMAC, and are thus subject to the requirements of this regulation. Any NSR permit application is also subject to this regulation
20.2.33 NMAC	Gas Burning Equipment - Nitrogen Dioxide				✓	No external gas burning combustion device at this facility
20.2.34 NMAC	Oil Burning Equipment: NO ₂				✓	No oil burning equipment at this facility
20.2.35 NMAC	Natural Gas Processing Plant – Sulfur				✓	This is NOT a natural gas processing plant
20.2.37 NMAC	Petroleum Processing Facilities				✓	This is NOT a petroleum processing plant
20.2.38 NMAC	Hydrocarbon Storage Facil.				✓	This is NOT a hydrocarbon storage facility
20.2.39 NMAC	Sulfur Recovery Plant - Sulfur				✓	This facility is NOT a Sulfur Recovery Plant
20.2.61.10 9 NMAC	Smoke & Visible Emissions	✓				Engines and heaters are Stationary Combustion Equipment. Facility has a wood fired burner that is subject to this regulation
20.2.70 NMAC	Operating Permits				✓	This is a minor source
20.2.71	Operating				✓	No. This facility is NOT subject to 20.2.70 NMAC and is in turn

STATE REGU- LATIONS CITATION	Title	Applies to Entire Facility	Applies to Unit No(s).	Federally Enforce- able	Does Not Apply	JUSTIFICATION:
NMAC	Permit Fees					NOT subject to 20.2.71 NMAC.
20.2.72 NMAC	Construction Permits	✓				This facility is subject to 20.2.72 NMAC since potential emission rates are above emission thresholds specified in this regulation
20.2.73 NMAC	NOI & Emissions Inventory Requirements	✓				All facilities requiring a permit are subject to emission inventory requirements
20.2.74 NMAC	Permits – PSD				✓	This facility is NOT a PSD major source
20.2.75 NMAC	Construction Permit Fees	✓				This facility is subject to 20.2.72 NMAC and is in turn subject to 20.2.75 NMAC. N/A if subject to 20.2.71 NMAC.
20.2.77 NMAC	New Source Performance				✓	Not subject to NSPS and this provision does not apply
20.2.78 NMAC	Emission Standards for HAPS				✓	This facility is a minor source and not subject to this rule
20.2.79 NMAC	Permits – Nonattainment Areas				✓	This facility is located in attainment area. NOT applicable according to 2.79.109 NMAC:
20.2.80 NMAC	Stack Heights	✓				This facility meets the stack height requirements
20.2.82 NMAC	MACT Standards for source categories of HAPS				✓	This facility is a Title V minor source and <u>NOT</u> subject to the requirements of 40 CFR Part 63, as amended through November 30, 2006

Applicable FEDERAL REGULATIONS (Note: This is not an exhaustive list):

<u>FEDERAL REGU- LATIONS CITATION</u>	Title	Applies to Entire Facility	Applies to Unit No(s).	Federally Enforce- able	Does Not Apply	JUSTIFICATION:
40 CFR 50	NAAQS	✓				Defined as applicable at 20.2.70.7.E.11, Any national ambient air quality standard
NSPS 40 CFR 60, Subpart A	General Provisions				✓	General Provisions do not apply since this facility does not trigger any subparts within this section
NSPS 40 CFR60.40 a, Subpart Da	Subpart Da, Performance Standards for Electric Utility Steam Generating Units				✓	This facility is NOT an electric utility.
NSPS 40 CFR60.40b Subpart Db	Electric Utility Steam Generating Units				✓	This facility is NOT an electric utility.
NSPS 40 CFR 60, Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984				✓	Not Applicable. This facility does not have storage tanks on site.
NSPS 40 CFR 60, Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984				✓	NOT Applicable. This facility does not have storage tanks
NSPS 40 CFR 60.330 Subpart GG	Stationary Gas Turbines				✓	This facility does not have gas turbines.
NSPS	Leaks of VOC from Onshore				✓	This facility is NOT an onshore gas plant.

<u>FEDERAL REGU- LATIONS CITATION</u>	Title	Applies to Entire Facility	Applies to Unit No(s).	Federally Enforce- able	Does Not Apply	JUSTIFICATION:
40 CFR 60, Subpart KKK	Gas Plants					
NSPS 40 CFR Part 60 Subpart LLL	Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions				✓	This facility is NOT an onshore gas plant.
NSPS 40 CFR Part 60 Subpart JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines				✓	Applies to manufacturers of engines and not to operators. NOT Applicable. The generator will operate on diesel and not using gasoline.
NESHAP 40 CFR 61 Subpart A	General Provisions				✓	This facility is not a major source of HAPs and not subject to MACT under any subpart. Thus, the general provision does not apply to this facility.
NESHAP 40 CFR 61 Subpart E	National Emission Standards for Mercury				✓	NOT Applicable. This facility is NOT a mercury recovery facility.
NESHAP 40 CFR 61 Subpart V	National Emission Standards for Equipment Leaks (Fugitive Emission Sources)				✓	NOT Applicable. This facility is NOT in VHAP service.
MACT 40 CFR 63, Subpart A	General Provisions				✓	NOT Applicable. This is a minor source and MACT does not apply.
MACT 40 CFR 63.760 Subpart HH	Oil and Natural Gas Production Facilities				✓	NOT Applicable. This is not an oil and natural gas production facility.
MACT 40 CFR 63 Subpart HHH	Natural Gas Transmission and Storage				✓	NOT Applicable. This facility is NOT an oil and gas
MACT 40 CFR 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)				✓	NOT Applicable. This facility does not have RICE.

FEDERAL REGU- LATIONS CITATION	Title	Applies to Entire Facility	Applies to Unit No(s).	Federally Enforce- able	Does Not Apply	JUSTIFICATION:
NESHAP 40 CFR 64	Compliance Assurance Monitoring				✓	NOT Applicable. This facility is a minor source
NESHAP 40 CFR 68	Chemical Accident Prevention				✓	NOT Applicable. This facility does NOT store more than a threshold quantity of a regulated substance in a process, as determined under §68.115,
Title IV – Acid Rain 40 CFR 72	Acid Rain				✓	NOT Applicable. This facility is NOT a major source
Title IV – Acid Rain 40 CFR 73	Sulfur Dioxide Allowance Emissions				✓	NOT Applicable. This facility is NOT a major source
Title IV – Acid Rain 40 CFR 76	Acid Rain Nitrogen Oxides Emission Reduction Program				✓	NOT Applicable. This facility is NOT a major source
Title VI – 40 CFR 82	Protection of Stratospheric Ozone				✓	NOT Applicable –facility does not “service”, “maintain” or “repair” class I or class II appliances nor “disposes” of the appliances.
CAA Section 112(r)					✓	Not Applicable. Facility does not store chemicals above thresholds for Chemical Accident Prevention Provisions